

## **REMARKS**

In response to the Office Communication, Applicant provisionally elects claims from Group I, claims 1 through 13. In the detailed action, the Examiner required a restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1 through 13 ;
- II. Claim 14;
- III. Claim 15;
- IV. Claim 16.

The Commissioner may require a restriction of two or more independent and distinct inventions are claimed in one application (35 U.S.C. § 121). In the present case, Applicant has several independent claims. Independent claim 1 is drawn to a medicinal product characterized in that through a content of components and/or extracts of *Prunus armenica* and of *Cocos nucifera* and of *Humulus lupulus* and germinated barley or germinated rye or germinated wheat and of mycete and the liquid obtained from alcoholic fermentation of the grape juice of grapevines, and from musaze and from *rubus* leaves, in each case as an active ingredient. Claims 14, 15, and 16 are directed to a method of using the components and/or extracts as fully set out in the claims.

Applicant respectfully submits that the claims are clearly directed to a single general inventive concept under 37 C.F.R. § 1.141. Applicant notes that the European Patent Office examined the application on unity of invention, and the European Patent Office did not raise any objections against the unity of invention according to claims 1 through 16 in the International Search Report dated 23 January 2005 (the English translation on file with the application).

Regarding the novelty and inventive step, please note that novelty and inventive step of the invention according to pending claims 1 through 16 have been examined by the European Patent Office. The Examiner at the European Patent Office stated in his Written Opinion of the International Searching Authority (according to PCT Rule 43bis.1) that novelty and inventive step are present in the present case according to claims 1 through 16 (an English translation of the Written Opinion is on file with the application).

Additionally, we note that the “cosmetic composition” reference (U. S. Patent No. 6,348,200) concerns a totally different technical field, a totally different problem, and a totally different affect when compared with the present invention regarding a “medicinal product”.

Furthermore, at page 4 of the detailed action, the Examiner cites U. S. Patent No. 6,348,200 B1 and notes that the reference teaches a cosmetic composition. However, note that “musaze and rubus leaves” are not disclosed in this reference. Rubus leaves (leaves of blackberries) are not mentioned in the cited U. S. Patent No. 6,348,200. Therefore, two additional and very important components (musaze and rubus leaves as presently claimed in Applicant’s claim 1) are not disclosed in the ‘200 patent. These two additional components lead to advantages that include the medicinal product is suitable for treatment of Acquired Immune Deficiency Syndrome (AIDS) and/or cancer, malignant tumors, carcinomas and sarcomas, and/or diseases of the psyche or the nervous system, which is substantially different than the cosmetic composition described in the cited U. S. Patent No. 6,348,200.


Applicant respectfully submits that novelty and the inventive step is present in the patent application.

In conclusion, Applicant respectfully request that the Restriction Requirements be withdrawn and claims 1 through 16 that are presently pending in this application be examined. Alternatively, Applicant provisionally elects Group I with traverse. Lastly, Applicant respectfully submits that the claims of the presently pending application contain novelty and inventive step. If it would aid in disposition in this matter, the Examiner is kindly requested to contact the undersigned.

Respectfully Submitted,

Date

17-July-2006

  
C. Dean Domingue, Reg. No. 33,682  
Perret Doise, APLC  
Post Office Box 3408  
Lafayette, Louisiana 70502-3408  
Phone 337.262.9000  
Phone 337.262.9001  
**Customer No. 29166**